

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

Yes. Ultimately, there is only one use for a broadcast flag (BF): to require the viewer to watch the show as it is aired or to learn about the content after the fact via word of mouth. In other words, to take the consumer back to the days before VCR's. The point of the BF is to limit consumer rights to only what the copyright holders define as in their best interest. Of course, the copyright holders may currently argue that they will not limit first-generation copies for personal use, but to rely on this is to rely on their promise not to overstep their bounds at a later time. It seems better to rely on the rule of law than guarantees that hold no legal weight.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices?

Yes. A BF would be of no use if it allowed some networking. To be effective, it must prevent all networking. This means that private use within a home would be severely limited -- probably to the original machine upon which the copy made. This is analagous to a VCR where the tape would be illegal to remove.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

Absolutely. A BF, by definition, would be designed to allow use with only proprietary hardware and software. This would amount to dictating to the consumer what televisions, VCR's, computers, etc. they may or may not buy. (I.e., you can buy Brand-X, but it won't work. So buy our Brand instead.) It may be likely that the consumer will have to buy seperate televisions because different BF's will only work on authorized models (which the copyright holders of the televised content also produce). Obviously, this will lead to monopolies of far greater extent than this country has seen since the days of Theodore Roosevelt.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

Yes. In order for the BF to work, the proprietary hardware and software will have to be kept secret. This means that only those who have signed a Non-Disclosure Agreement (NDA) may innovate current technology. And then, the innovations may be illegal to copyright or share, because of the limits imposed by the NDA. Therefore, all new options given to the consumer must legally come from the owners of the BF, which again would create a monopoly.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

The copyright owners will charge the consumer for the use of the BF (because businesses make money by charging the consumers for every possible service), and they will charge for mandatory software upgrades as well. (And without the upgrades, you can't watch TV.) Basically, a BF will cost the consumer at every step of its implementation.

Other Comments:

Digital rights management must be coupled with fair use. Without either, we will not have a free and open society.